

February 6, 2012

Michael J. Lewis
1201 Navajo Street
P O Box 1119
Barstow, CA 92312-1119

Re: Your Request for Advice
Our File No. A-12-021

Dear Mr. Lewis:

This letter is in response to your request for advice regarding provisions of the Political Reform Act (the "Act").¹ Additionally, please note our advice is limited to obligations arising under the Act. We do not address the applicability, if any, of other state or local law such as statutes regulating the making of gifts with public funds, common law conflicts of interest, or Government Code Section 1090.

QUESTION

You have asked whether the fact that you are a business owner in the city affects your ability to campaign for and serve as the city's treasurer.

CONCLUSION

The Act would not prohibit you from campaigning for or serving as the city treasurer due to your business interests. However, you would be obligated to disqualify yourself from any city treasurer decision that would have a foreseeable and material financial effect on you or your businesses.

ANALYSIS

The Act does not prohibit an individual from campaigning for or holding a public office. Nor does the Act prevent a public official from receiving operating a business while holding

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

office.² However, the Act may require a public official to disqualify himself or herself from certain governmental decisions under circumstances that effect their own financial interests. A public official's private employment could at times cause the official to have a conflict of interest in certain governmental decisions.

However, until such time as you are holding public office and confronted with a decision that can affect your business, we cannot advise you with on your specific obligations regarding the Act's conflict of interest rules. Commission advice in this area is necessarily fact-dependent.

If you have other questions on this matter, please contact me at (916) 322-5660.

Sincerely,

Zackery P. Morazzini
General Counsel

By: John W. Wallace
Assistant General Counsel
Legal Division

JWW:jgl

² Government Code Section 1090 does deal with public official's interests contracts